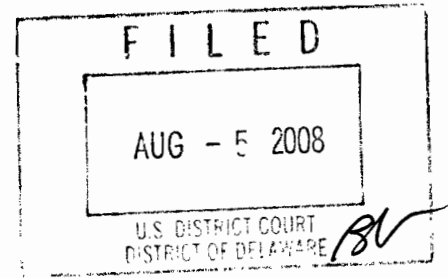


IN THE U.S. DISTRICT COURT FOR THE ~~DISTRICT~~
DISTRICT OF DELAWARE

CA 08-275 GMS

To: Peter T. Dallec (Clerk)
U.S. District Court
844 N King Street
Lock box 18
Wilmington, DE 19801-3570



From: LeVaughn Walker "306213"
J.T.V.C.C
1181 Paddock Rd
Smyrna, DE 19977

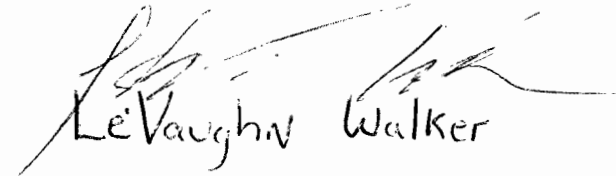
Re: Civ No. 08-275-GMS /personal safety issue

Dear Clerk

I sent you a letter dated 7/23/08 in regards to the issues I am having filing in this court, due to the staff/officers in this case. However, I made an error as to the action number. The correct Civ No is Civ No 08-275 (and not 07-784). I raise the same concerns that I raised in my first letter. (1) My legal work has been "misplaced" by officers purposely, (who are officers that have friendly relations with the officers in this action) (2) That these officers have tampered with my legal mail, thus obstructing my access to the court. (3) My family has been precluded from seeing me. I ask that you please excuse my error with regard to the action number. I am enclosing the last order that I received from this court. I ask that you please look into this matter, of why you have not received the authorization form. If you have received it please inform me. I would like to add

once again that I would like this matter addressed as it is a safety concern, For I am being harassed around officers who have made threats against my person and my Family and nothing is being done about it.

Thank you For your consideration in this matter.


LeVaughn Walker

8/3/08

4

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LEVAUGHN GERALD WALKER,)
)
 Plaintiff,)
)
 v.) Civil Action No. 08-275-GMS
)
WARDEN P. PHELPS, TREATMENT)
ADMIN RONALD HOSTERMAN, AND)
COUNSELOR LINDA KEMP,)
)
 Defendants.

ORDER

1. The plaintiff LeVaughn Gerald Walker, SBI #306213, a pro se litigant who is presently incarcerated, has filed this action pursuant to 42 U.S.C. § 1983 and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

2. Consistent with 28 U.S.C. § 1915(a)(1) and (2), the plaintiff has submitted: (1) an affidavit stating that he has no assets with which to prepay the filing fee; and (2) a certified copy of his prison trust fund account statement for the six-month period immediately preceding the filing of the above-referenced complaint. Based on the plaintiff's submissions, his request to proceed in forma pauperis is granted.

3. Notwithstanding the above, pursuant to 28 U.S.C. § 1915(b)(1), the plaintiff shall be assessed the filing fee of \$350.00 and shall be required to pay an initial partial filing fee of 20 percent (20%) of the greater of his average monthly deposit or average monthly balance in the trust fund account.

4. In evaluating the plaintiff's account information, the Court has determined that the plaintiff has an average account balance of \$102.85 for the six months preceding the filing of the complaint. The plaintiff's average monthly deposit is \$33.33 for the six months preceding the filing of the complaint. Accordingly, the plaintiff is required to pay an initial partial filing fee of \$20.57, this amount being 20 percent (20%) of \$102.85, the greater of his average monthly deposit and average daily balance in the trust fund account for the six months preceding the filing of the complaint. **Therefore, the plaintiff shall, within thirty days from the date this order is sent, complete and return the attached authorization form allowing the agency having custody of him to forward the \$20.57 initial partial filing fee and subsequent payments to the Clerk of the Court. FAILURE OF THE PLAINTIFF TO RETURN THE AUTHORIZATION FORM WITHIN 30 DAYS FROM THE DATE THIS ORDER IS SENT SHALL RESULT IN DISMISSAL OF THIS ACTION WITHOUT PREJUDICE. NOTWITHSTANDING ANY PAYMENT MADE OR REQUIRED, THE COURT SHALL DISMISS THE CASE IF THE COURT DETERMINES THAT THE ACTION IS FRIVOLOUS OR MALICIOUS, FAILS TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED, OR SEEKS MONETARY RELIEF AGAINST A DEFENDANT WHO IS IMMUNE FROM SUCH RELIEF.**

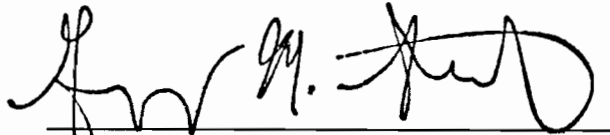
5. Upon receipt of this order and the authorization

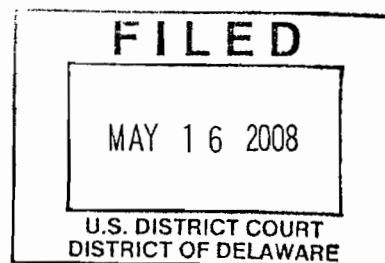
form, the Warden or other appropriate official at Delaware Correctional Center, or at any prison at which the plaintiff is or may be incarcerated, shall be required to deduct the \$20.57 initial partial filing fee from the plaintiff's trust account, when such funds become available, and forward that amount to the Clerk of the Court. Thereafter, absent further order of the Court, each time that the balance in plaintiff's trust account exceeds \$10.00, the Warden or other appropriate official at Delaware Correctional Center, or at any prison at which the plaintiff is or may be incarcerated, shall be required to make monthly payments of 20 percent (20%) of the preceding month's income credited to the plaintiff's trust account and forward that amount to the Clerk of the Court.

6. Pursuant to 28 U.S.C. § 1915(g), if the plaintiff has had three or more actions dismissed by the Court on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted, the Court shall deny the plaintiff leave to proceed in forma pauperis in all future suits filed without prepayment of the filing fee, unless the Court determines that the plaintiff is under imminent danger of serious physical injury.

DATED:

May 16, 2008


United States District Judge



IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

To: Clerk

U.S. District Court

844 N. King Street

Lockbox 18

Wilmington, DE 19801-3570

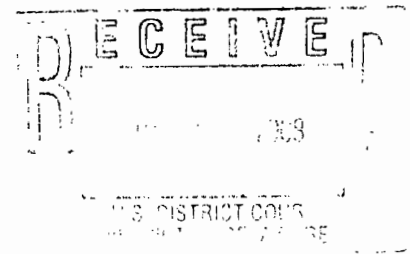
7/23/08

From: LeVaughn Walker *306213

J.T.V.C.C

1181 Paddock Rd

Smyrna, DE 19977



Re: Civ. No. 07-784-GMS / personal safety.

Dear Clerk,

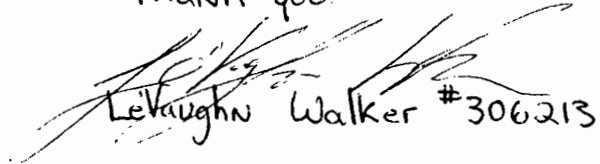
On May 17, I recieved an authorization, form in which I signed, giving the Court authorization to deduct money From my account For the partial Filing Fee in the above action. Since then I noticed that no money has been taken off of my account. I have also been placed in the position of having my legal documents "mysteriously" turn up missing in movement From one building to another. This is odd considering staff has to inventory inmate property when inmates are moved. The action that I Filed has to do with corrections officers who are Family members of the murder victim in my crime. These officers have made threats on my life, and has on two occasions called my mothers home. The senior staff has been made aware of these Facts and have done nothing beyond ~~granting~~ granting my interstate request in May of 05. The officers have been made aware that I have Filed legal action. My Family has been ~~precluded~~ effectively precluded From seeing me and Now I Fear that my mail is being withheld or tampered with. How can I have my issues placed before the court when the persons

Case 1:07-cv-00784-GMS Document 7 Filed 07/28/2008 Page 2 of 3

that I am Filing actions against can obstruct my access to the courts at will? IN the area I am housed in the inmates must rely on the officers to mail out any out going letters.

I ask that you please look into this matter.

Thank you.


LeVaughn Walker #306213

7/23/08

IM LeVaughn Walker
SBI# 306213 UNIT 21-B-L-4
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977



UNITED STATES POSTAGE
0214
0004608975
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Office of the Clerk
U.S. District Court
844 N. King Street, Lockbox 18
Wilmington, DE 19301-3570

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